

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION**

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| PAMELA JEAN CALDWELL, |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | Case No.: 3:20-cv-00147-DCLC-HBG |
| |) | |
| C. R. BARD, INC. AND BARD |) | |
| PERIPHERAL VASCULAR, INC., |) | |
| |) | |
| Defendants. |) | |

JOINT MOTION TO STAY DISCOVERY AND ALL PRETRIAL DEADLINES

Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. (“Bard”) and Plaintiff Pamela Jean Caldwell (“Plaintiff”) pursuant to Fed. R. Civ. P.26(c) and (d), jointly request that this Court stay discovery and all pretrial deadlines until September 1, 2020 while the Parties pursue settlement discussions. In support thereof, the Parties state as follows:

1. This case was part of a Multi-District Litigation proceeding called In re: Bard IVC Filter Litigation, pending before Senior Judge David Campbell of the District of Arizona.
2. After four years, the completion of general issue discovery, and conducting three bellwether trials, Judge Campbell has ordered that cases, which have not settled or are not close to settling, be transferred to the appropriate jurisdictions around the country for case-specific discovery and trial. As a part of that process, he established a “track” system, wherein certain cases were placed on tracks either to finalize settlement paperwork, continue settlement negotiations, or be remanded or transferred.
3. This case is part of ongoing settlement discussions between the parties, and thus was inadvertently identified by the parties in the MDL as a case to be remanded or transferred.

4. A district court has broad discretion over pretrial discovery rulings. *Crawford-El v. Britton*, 523 U.S. 574, 598 (1998); accord *Thermal Design, Inc. v. Am. Soc’y of Heating, Refrigerating & Air-Conditioning Engineers, Inc.*, 755 F.3d 832, 837 (7th Cir. 2014); *Burns v. EGS Fin. Care, Inc.*, No. 4:15-CV-06173-DGK, 2016 WL 7535365 at *1 (W.D. Mo. Apr. 12, 2016); see also *Cook v. Kartridg Pak Co.*, 840 F.2d 602, 604 (8th Cir. 1988) (“A district court must be free to use and control pretrial procedure in furtherance of the orderly administration of justice.”).

5. Under Federal Rules of Civil Procedure 26(c) and 26(d), a court may limit the scope of discovery or control its sequence. *Britton*, 523 U.S. at 598. Although settlement negotiations do not automatically excuse a party from its discovery obligations, the parties can seek a stay prior to the cutoff date. *Sofo v. Pan-American Life Ins. Co.*, 13 F.3d 239, 242 (7th Cir. 1994); see also, *Wichita Falls Office Assocs. V. Banc One Corp.*, 978 F.2d 915, 918 (5th Cir. 1993) (finding that a “trial judge’s decision to curtail discovery is granted great deference,” and noting that the discovery had been pushed back a number of times because of pending settlement negotiations).

6. In consideration of settlement discussions the Parties believe to be fruitful, the Parties respectfully move this Court for the entry of an order staying all discovery and pretrial deadlines until September 1, 2020. The requested relief will facilitate settlement discussions and prevent unnecessary expenditures of the Parties and judicial resources.

7. The Parties agree that the relief sought herein is necessary to handle the case in the most economical fashion, yet allow sufficient time to schedule and complete discovery if necessary, consistent with the scheduling obligations of counsel. The relief sought in this Motion is not being requested for delay, but so that justice may be done.

WHEREFORE, the Parties jointly request that discovery and all pretrial deadlines be stayed until September 1, 2020 to allow the parties to conduct ongoing settlement negotiations.

Dated June 5, 2020.

Respectfully submitted,

By: /s/ Shane G. Ramsey
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was filed with the Clerk of the Court using the CM/ECF system, which will send notification of the same to all counsel of record, including:

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Dated: June 5, 2020

/s/ Shane G. Ramsey
Shane G. Ramsey